

HOUSE BILL 1249

Unofficial Copy  
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2000 Regular Session  
(01r2540)

*ENROLLED BILL*  
*-- Ways and Means/Budget and Taxation --*

Introduced by ~~Delegates Shriver and Taylor~~, Taylor, Hixson, Healey, Bartlett, Bozman, Carlson, Conroy, Finifter, Howard, Heller, Bohanan, Marriott, Patterson, Phillips, Rosso, and Rudolph

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Judith P. Hoyer ~~Smart Start Initiative~~ Early Child Care and Education**  
3 **Enhancement Program**

4 FOR the purpose of establishing the Judith P. Hoyer ~~Smart Start Initiative~~, a grant  
5 ~~program for early child care and education centers and education enhancement~~  
6 ~~and the development of collaborative approaches for the delivery of full day~~  
7 ~~early care and education and family support services; defining certain terms;~~  
8 ~~designating the Department of Education as the agency supervising the grant~~  
9 ~~program; requiring the Department to distribute the grant funds under the~~  
10 ~~program created by this Act to local school systems on a competitive basis;~~  
11 ~~limiting local school system use of funds to certain purposes; requiring the~~  
12 ~~Department to select an evaluator through a competitive process to measure the~~  
13 ~~effectiveness of the collaborations; requiring the Department to submit certain~~  
14 ~~reports; prohibiting awards under this Act from supplanting other funding; and~~  
15 ~~generally relating to the Judith P. Hoyer Smart Start Initiative and early child~~

1 ~~care and education centers and education enhancement grant funding~~ Early  
 2 Child Care and Education Enhancement Program; providing that the Program  
 3 shall be funded as provided in the State budget; providing that funds that are  
 4 allocated to the Program in the State budget may be used for certain purposes;  
 5 authorizing the Maryland State Department of Education to distribute grants to  
 6 county boards of education for certain purposes under certain circumstances;  
 7 authorizing the Department to distribute grants to certain private entities for  
 8 certain purposes under certain circumstances; establishing application  
 9 procedures for the grants; authorizing the Department to distribute funds to a  
 10 county board of education for the purpose of implementing a certain early  
 11 childhood assessment system; establishing certain procedures and requirements  
 12 relating to administration and evaluation of the Program; requiring that certain  
 13 funds be appropriated for certain purposes in a certain fiscal year; providing that  
 14 in a certain fiscal year a certain special fund may be used for a certain purpose;  
 15 defining certain terms; and generally relating to the Judith P. Hoyer Early Child  
 16 Care and Education Enhancement Program.

17 BY adding to  
 18 Article - Education  
 19 Section 5-213  
 20 Annotated Code of Maryland  
 21 (1999 Replacement Volume)

22 Preamble

23 WHEREAS, Recent brain research confirms that the most rapid brain growth  
 24 occurs in the first three years of life; and

25 WHEREAS, A stimulating environment is essential to brain development and  
 26 has a major impact on a child's language and cognitive and emotional development;  
 27 and

28 WHEREAS, The overwhelming evidence suggests that it is best to capitalize on  
 29 the brain's elasticity before age 5, the age at which public education is guaranteed;  
 30 and

31 WHEREAS, High quality early care and education programs make a significant  
 32 contribution to the development of skills required by young children to succeed in  
 33 school; and

34 WHEREAS, Not all Maryland children have access to quality early care and  
 35 education programs; and

36 WHEREAS, There is an imperative need to improve access to quality early care  
 37 and education programs through collaborative partnerships; and

38 WHEREAS, Judith P. Hoyer dedicated her life to the education and care of  
 39 young children and their families; now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Education**

4 5-213.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) "ACCREDITATION" MEANS THE DETERMINATION THAT A PROGRAM  
8 MEETS QUALITY STANDARDS DEFINED BY THE ACCREDITING AGENCY BEYOND  
9 STATE CHILD CARE REGULATIONS.

10 (3) "ACCREDITING AGENCY" MEANS A ~~NATIONAL OR~~ STATE AGENCY OR  
11 NATIONAL ORGANIZATION THAT HAS DEVELOPED A RECOGNIZED ACCREDITING  
12 PROCESS.

13 (4) "CREDENTIALING" MEANS THE PROCESS ~~IN~~ THROUGH WHICH AN  
14 INDIVIDUAL IS AWARDED A PROFESSIONAL CERTIFICATE BASED ON EDUCATION  
15 AND EXPERIENCE.

16 (5) "EARLY CHILD CARE AND EDUCATION ENHANCEMENT GRANT"  
17 MEANS A GRANT THAT IS DISTRIBUTED UNDER SUBSECTION (E) OF THIS SECTION.

18 (6) "FULL DAY" MEANS A PERIOD OF TIME DURING THE DAY THAT:

19 (I) MEETS THE NEEDS OF ~~WORKING~~ FAMILIES; AND

20 (II) IS NOT LESS THAN 7 HOURS OR MORE THAN 12 HOURS PER DAY.

21 (6) ~~"JUDY CENTER" MEANS A SITE WHERE COMPREHENSIVE EARLY~~  
22 ~~CHILDHOOD SERVICES ARE PROVIDED TO YOUNG CHILDREN AND THEIR FAMILIES~~  
23 ~~TO PROMOTE SCHOOL READINESS THROUGH COLLABORATIVE SERVICE DELIVERY~~  
24 ~~BY PARTICIPATING AGENCIES AND PROGRAMS.~~

25 (7) "JUDY CENTER" MEANS A SITE WHERE COMPREHENSIVE EARLY  
26 CHILD CARE AND EDUCATION SERVICES ARE PROVIDED TO YOUNG CHILDREN AND  
27 THEIR FAMILIES FOR THE PURPOSE OF PROMOTING SCHOOL READINESS THROUGH  
28 COLLABORATION WITH PARTICIPATING AGENCIES AND PROGRAMS.

29 (8) "JUDY CENTER GRANT" MEANS A GRANT THAT IS DISTRIBUTED  
30 UNDER SUBSECTION (D) OF THIS SECTION.

31 (9) "LOCAL MANAGEMENT BOARD" MEANS A LOCAL MANAGEMENT  
32 BOARD ESTABLISHED UNDER ARTICLE 49D, § 11 OF THE CODE.

33 (6) (7) (10) "PARTICIPATING AGENCIES AND PROGRAMS" INCLUDES:

34 (I) PUBLIC PREKINDERGARTEN AND KINDERGARTEN PROGRAMS;

- 1 (II) HEAD START PROGRAMS;
- 2 (III) FAMILY LITERACY PROGRAMS AND SERVICES;
- 3 (IV) LOCAL INFANTS AND TODDLERS PROGRAMS;
- 4 (V) CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES;
- 5 (VI) FAMILY SUPPORT CENTERS;
- 6 (VII) HEALTHY FAMILY SITES;
- 7 (VIII) PARENT INVOLVEMENT PROGRAMS;
- 8 (IX) EARLY CHILDHOOD PROGRAMS AFFILIATED WITH
- 9 INSTITUTIONS OF HIGHER EDUCATION; AND
- 10 (X) OTHER HOME VISITING, COMMUNITY HEALTH, FAMILY
- 11 SUPPORT SERVICES, AND CHILD CARE RESOURCE AND REFERRAL AGENCIES.

12 (11) "PROGRAM" MEANS THE JUDITH P. HOYER EARLY CHILD CARE AND

13 EDUCATION ENHANCEMENT PROGRAM ESTABLISHED UNDER THIS SECTION.

14 ~~(B) THE JUDITH P. HOYER SMART START INITIATIVE, WHICH IS A GRANT~~

15 ~~PROGRAM FOR EARLY CHILD CARE AND EDUCATION CENTERS AND EDUCATION~~

16 ~~ENHANCEMENT GRANT PROGRAM, IS ESTABLISHED TO PROMOTE SCHOOL~~

17 ~~READINESS THROUGH THE SUPPORT OF THE DEVELOPMENT AND EXPANSION OF~~

18 ~~COLLABORATIVE APPROACHES TO THE DELIVERY OF HIGH QUALITY,~~

19 ~~COMPREHENSIVE, FULL DAY EARLY CHILD CARE AND EDUCATION PROGRAMS AND~~

20 ~~FAMILY SUPPORT SERVICES.~~

21 ~~(C) THE GRANT FUNDS SHALL BE ADMINISTERED BY THE DEPARTMENT AND~~

22 ~~USED TO SUPPORT AND EXPAND COLLABORATIVE APPROACHES TO EARLY CHILD~~

23 ~~CARE AND EDUCATION AND FAMILY SUPPORT SERVICES INCLUDING JUDY CENTERS~~

24 ~~THROUGH COORDINATION WITH PARTICIPATING PROGRAMS, AND AGENCIES~~

25 ~~AGENCIES, AND WHERE APPROPRIATE LOCAL MANAGEMENT BOARDS.~~

26 ~~(D) A LOCAL SCHOOL SYSTEM MAY APPLY FOR A GRANT UNDER THIS~~

27 ~~SECTION.~~

28 ~~(E) EACH APPLICATION FOR THE GRANT SHALL INCLUDE:~~

29 ~~(I) A MEMORANDUM OF AGREEMENT BETWEEN THE LOCAL SCHOOL~~

30 ~~SYSTEM AND THE PARTICIPATING AGENCIES AND PROGRAMS THAT INCLUDES:~~

31 ~~(I) THE TERMS OF THE COLLABORATION TO BE UNDERTAKEN BY~~

32 ~~THE LOCAL SCHOOL SYSTEM AND THE PARTICIPATING AGENCIES AND PROGRAMS;~~

33 ~~(II) THE ROLES AND RESPONSIBILITIES OF THE LOCAL SCHOOL~~

34 ~~SYSTEM AND THE PARTICIPATING AGENCIES AND PROGRAMS; AND~~

1                   (III)    A PLAN FOR ESTABLISHING ONGOING COMMUNICATION  
2 BETWEEN NONPUBLIC SERVICE PROVIDERS AND PUBLIC SCHOOL EARLY  
3 EDUCATION PROGRAMS;

4                   (2)    DOCUMENTATION THAT THE DEPARTMENT'S EARLY CHILDHOOD  
5 ASSESSMENT SYSTEM WILL BE USED TO DETERMINE:

6                   (I)    MEASURABLE OUTCOMES TO BE ACHIEVED BY THE  
7 COLLABORATION; AND

8                   (II)   PROCEDURES FOR MEASURING ANNUAL PERFORMANCE;

9                   (3)    DOCUMENTATION THAT EARLY CHILD CARE AND EDUCATION  
10 PROGRAMS:

11                  (I)    MEET VOLUNTARY STATE ACCREDITATION BASED ON  
12 NATIONALLY RECOGNIZED CRITERIA; OR

13                  (II)   HAVE INITIATED THE PROCESS OF VOLUNTARY STATE  
14 ACCREDITATION BY DECEMBER 1, 2000; AND

15                  (4)    DOCUMENTATION THAT THE COLLABORATION WILL PROVIDE  
16 COMPREHENSIVE, FULL-DAY EARLY CHILD CARE AND EDUCATION, AND FAMILY  
17 SUPPORT SERVICES.

18                  (F)    THE DEPARTMENT SHALL:

19                  (1)    ESTABLISH APPLICATION PROCEDURES FOR THE GRANT;

20                  (2)    SUBJECT TO ANNUAL APPROPRIATIONS AND THE AVAILABILITY OF  
21 FUNDS IN THE ANNUAL BUDGET, AWARD 3-YEAR FUNDING TO LOCAL SCHOOL  
22 SYSTEMS ON A COMPETITIVE BASIS;

23                  (3)    SUPERVISE AND MONITOR THE GRANT FUNDS; AND

24                  (4)    VERIFY THAT GRANT RECIPIENTS ARE MEETING ANNUAL  
25 BENCHMARKS.

26                  (G)    LOCAL SCHOOL SYSTEMS SELECTED TO RECEIVE GRANTS UNDER THIS  
27 SECTION SHALL:

28                  (1)    PROVIDE COMPREHENSIVE, FULL-DAY EARLY CARE AND  
29 EDUCATION AND FAMILY SUPPORT SERVICES INCLUDING JUDY CENTERS IN  
30 COLLABORATION WITH THE PARTICIPATING AGENCIES AND PROGRAMS;

31                  (2)    ADMINISTER THE GRANT AWARD ON BEHALF OF THE  
32 PARTICIPATING AGENCIES AND PROGRAMS IN THE COLLABORATION;

33                  (3)    SUBMIT FISCAL AND PROGRAM REPORTS AS REQUIRED BY THE  
34 DEPARTMENT; AND

1           (4)     COORDINATE THE INVOLVEMENT OF ALL PARTICIPATING AGENCIES  
2 AND PROGRAMS IN THE EVALUATION PROCESS CONDUCTED BY THE DEPARTMENT.

3     (H)     GRANTS AWARDED TO LOCAL SCHOOL SYSTEMS UNDER THIS SECTION  
4 SHALL BE LIMITED TO THE SUPPORT OF ACTIVITIES THAT CREATE OR ENHANCE THE  
5 COLLABORATIVE DELIVERY OF SERVICES THROUGH PARTICIPATING AGENCIES AND  
6 PROGRAMS INCLUDING:

7           (1)     ASSISTING EARLY CARE AND EDUCATION PROGRAMS TO MEET  
8 VOLUNTARY STATE ACCREDITATION STANDARDS;

9           (2)     PROFESSIONAL DEVELOPMENT ACTIVITIES LEADING TO INCREASED  
10 COMPETENCY AND APPROPRIATE CREDENTIALING RELATED TO EARLY CARE AND  
11 EDUCATION SERVICES;

12          (3)     MATERIALS AND SUPPLIES;

13          (4)     THE PURCHASE OF AND CONTRACTING FOR EARLY CARE AND  
14 EDUCATION AND FAMILY SUPPORT SERVICES; AND

15          (5)     PERSONNEL TO COORDINATE THE COLLABORATION.

16     (I)     GRANTS AWARDED UNDER THIS SECTION MAY NOT BE USED:

17           (1)     TO SUPPLANT EXISTING FUNDING FOR ANY PARTICIPATING  
18 PROGRAM OR SERVICE; OR

19           (2)     FOR CAPITAL IMPROVEMENTS.

20     (J)     THE DEPARTMENT SHALL SELECT THROUGH A COMPETITIVE BIDDING  
21 PROCESS AND SUPERVISE AN EVALUATOR WHO SHALL DESIGN AND IMPLEMENT AN  
22 EVALUATION PROCESS TO MEASURE THE EFFECTIVENESS OF THE  
23 COLLABORATIONS.

24     (K)     THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND THE GENERAL  
25 ASSEMBLY:

26           (1)     ON OR BEFORE JANUARY 1 OF EACH YEAR, A REPORT DESCRIBING  
27 THE PROGRESS AND THE EXPENDITURES OF THE FUND; AND

28           (2)     ON OR BEFORE JANUARY 1, 2004, A SEPARATE REPORT EVALUATING  
29 THE EFFECTIVENESS OF THE COLLABORATIVE APPROACHES BASED ON THE  
30 EVALUATION CRITERIA.

31     (L)     THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER THE  
32 GRANT PROGRAM AND TO REQUIRE THAT ALL EXISTING EARLY ELEMENTARY  
33 EDUCATION PROGRAMS BE NAMED JUDITH P. HOYER EARLY EDUCATION PROGRAMS.

34     SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall  
35 include \$8 ~~\$4~~ million in the fiscal year 2001 budget of the Department of Education to  
36 fund the grant program established by this Act.

1 (B) (1) THERE IS A JUDITH P. HOYER EARLY CHILD CARE AND EDUCATION  
2 ENHANCEMENT PROGRAM IN THE DEPARTMENT.

3 (2) THE PURPOSE OF THE PROGRAM IS TO PROMOTE SCHOOL  
4 READINESS THROUGH THE DEVELOPMENT AND EXPANSION OF COLLABORATIVE  
5 APPROACHES TO THE DELIVERY OF HIGH QUALITY, COMPREHENSIVE, FULL-DAY  
6 EARLY CHILD CARE AND EDUCATION PROGRAMS AND FAMILY SUPPORT SERVICES.

7 (C) (1) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE  
8 BUDGET.

9 (2) FUNDS THAT ARE ALLOCATED TO THE PROGRAM IN THE STATE  
10 BUDGET MAY BE USED:

11 (I) TO COVER THE COSTS INCURRED BY THE DEPARTMENT IN  
12 IMPLEMENTING AND ADMINISTERING THE PROGRAM;

13 (II) FOR JUDY CENTER GRANTS, AS PROVIDED UNDER SUBSECTION  
14 (D) OF THIS SECTION;

15 (III) FOR EARLY CHILD CARE AND EDUCATION ENHANCEMENT  
16 GRANTS, AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION; AND

17 (IV) TO FUND THE STATEWIDE IMPLEMENTATION OF THE  
18 DEPARTMENT'S EARLY CHILDHOOD ASSESSMENT SYSTEM, AS PROVIDED UNDER  
19 SUBSECTION (F) OF THIS SECTION.

20 (D) THE DEPARTMENT MAY DISTRIBUTE A JUDY CENTER GRANT TO A  
21 COUNTY BOARD IF THE COUNTY BOARD SUBMITS AN APPLICATION TO THE  
22 DEPARTMENT THAT INCLUDES:

23 (1) A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY  
24 BOARD, THE PARTICIPATING AGENCIES AND PROGRAMS, AND, IN THE DISCRETION  
25 OF THE COUNTY BOARD, THE LOCAL MANAGEMENT BOARD THAT INCLUDES:

26 (I) THE TERMS OF THE COLLABORATION TO BE UNDERTAKEN BY  
27 THE COUNTY BOARD, THE PARTICIPATING AGENCIES AND PROGRAMS, AND, IF  
28 APPLICABLE, THE LOCAL MANAGEMENT BOARD, INCLUDING THE ROLES AND  
29 RESPONSIBILITIES OF EACH OF THESE ENTITIES; AND

30 (II) A PLAN FOR ESTABLISHING ONGOING COMMUNICATION  
31 BETWEEN PRIVATE SERVICE PROVIDERS AND PUBLIC SCHOOL EARLY EDUCATION  
32 PROGRAMS; AND

33 (2) DOCUMENTATION THAT SHOWS THAT:

34 (I) THE DEPARTMENT'S EARLY CHILDHOOD ASSESSMENT SYSTEM  
35 WILL BE IMPLEMENTED AT THE CENTER;



1           (2)     SUBMIT FISCAL AND PROGRAM REPORTS AS REQUIRED BY THE  
2 DEPARTMENT; AND

3           (3)     COORDINATE THE INVOLVEMENT OF PARTICIPATING AGENCIES AND  
4 PROGRAMS IN ANY EVALUATION PROCESS CONDUCTED BY THE DEPARTMENT.

5     (1)     GRANTS AWARDED UNDER THIS SECTION MAY NOT BE USED:

6           (1)     TO SUPPLANT EXISTING FUNDING FOR ANY SERVICES PROVIDED BY  
7 PARTICIPATING AGENCIES AND PROGRAMS; OR

8           (2)     FOR CAPITAL IMPROVEMENTS.

9     (J)     THE DEPARTMENT SHALL SELECT THROUGH A COMPETITIVE BIDDING  
10 PROCESS AND SUPERVISE AN EVALUATOR WHO SHALL DESIGN AND IMPLEMENT AN  
11 EVALUATION PROCESS TO MEASURE THE EFFECTIVENESS OF:

12           (1)     THE JUDY CENTERS; AND

13           (2)     EARLY CHILD CARE AND EDUCATION SERVICES AND FAMILY  
14 SUPPORT SERVICES THAT ARE PURCHASED WITH FUNDS FROM EARLY CHILD CARE  
15 AND EDUCATION ENHANCEMENT GRANTS.

16     (K)     THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND, SUBJECT TO §  
17 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

18           (1)     ON OR BEFORE JANUARY 1 OF EACH YEAR, A REPORT ON THE  
19 IMPLEMENTATION OF THE PROGRAM, INCLUDING A DESCRIPTION OF THE  
20 PROGRAM'S EXPENDITURES; AND

21           (2)     ON OR BEFORE JANUARY 1, 2004, A SEPARATE REPORT THAT  
22 INCLUDES AN EVALUATION, BASED ON OBJECTIVE PERFORMANCE CRITERIA  
23 ESTABLISHED BY THE DEPARTMENT, OF THE EFFECTIVENESS OF:

24           (I)     THE JUDY CENTERS; AND

25           (II)    EARLY CHILD CARE AND EDUCATION SERVICES AND FAMILY  
26 SUPPORT SERVICES THAT ARE PURCHASED WITH FUNDS FROM EARLY CHILD CARE  
27 AND EDUCATION ENHANCEMENT GRANTS.

28     (L)     THE DEPARTMENT MAY ADOPT REGULATIONS AS NECESSARY TO  
29 IMPLEMENT THE PROGRAM.

30     SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall  
31 include the following appropriations in the fiscal year 2001 budget of the Maryland  
32 State Department of Education to fund the Judith P. Hoyer Early Child Care and  
33 Education Enhancement Program established under this Act: (1) \$4,000,000 for Judy  
34 Center Grants; (2) \$1,000,000 for Early Child Care and Education Enhancement  
35 Grants to be awarded to providers of early child care and education services who have  
36 voluntarily obtained accreditation or have voluntarily initiated and are actively

1 pursuing accreditation; (3) \$1,300,000 for statewide implementation of the  
2 Department's early childhood assessment system; and (4) \$700,000 to cover the costs  
3 incurred by the Department in implementing the Program.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding §  
5 7-317(d) and (g) of the State Finance and Procurement Article, in fiscal year 2001, the  
6 Cigarette Restitution Fund established under § 7-317 of the State Finance and  
7 Procurement Article may be used to fund implementation of the Judith P. Hoyer Early  
8 Child Care and Education Enhancement Program established under this Act. In fiscal  
9 year 2001, the Governor may transfer funds by budget amendment from the Cigarette  
10 Restitution Fund to the Maryland State Department of Education for the purpose of  
11 funding the Judith P. Hoyer Early Child Care and Education Enhancement Program  
12 in the amounts specified under Section 2 of this Act.

13 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect July 1, 2000.